

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 29, 2005

DIVISION ONE

B182643 Factor Health Management et al. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Apex Therapeutic Care, Inc., et al., r.p.i.)

The petition for writ of mandate is denied. Real parties in interest to recover costs.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
 Mallano, J.

B167671 Daley (Not for Publication)
 v.
 Azafrani

The judgment and orders are affirmed. The parties are to bear their own costs on appeal.

Rothschild, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

July 29, 2005 (Continued)

DIVISION ONE (Continued)

B174145 People (Not for Publication)
v.
Barnes

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, J., Acting P.J.
 Vogel (Miriam A.),

B178406 Merisel Americas, Inc. (Not for Publication)
v.
Computer Sonics, Inc.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION TWO

B174995 People
v.
Willard

Filed order modifying opinion. (No change in the judgment)

B175102 People
v.
Lepore

Filed order denying petition for rehearing.

DIVISION THREE

B174549 People (Not for Publication)
v.
Lamb, et al.

Lamb's convictions for assault with a firearm (counts 1 and 2) are reversed. Wilkenson's sentence for the assault of Ruben with a firearm (count 2) and the robbery of Manuel (count 6) are ordered stayed pursuant to section 654. In all other respects, the judgments are affirmed. In regard to Wilkenson, the clerk of the superior court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In regard to Lamb, the matter is remanded for further proceedings consistent with the opinions expressed herein.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B179059 Public Employees Retirement System, et al.
v.
Superior Court of Los Angeles County
California Administrative Services Authority et al.

Filed order vacating submission order of April 21, 2005. Due to the press of other court business and the complexity of the issues in this case, an additional amount of time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FIVE

B175882 People
v.
James Queen

Filed order denying petition for rehearing.

July 29, 2005 (Continued)

DIVISION FIVE (Continued)

B174252 First Federal Bank (Certified for Publication)
 v.
 Paul Fegen

The appeal is dismissed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION EIGHT

Court convened at 9:00 a.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

Each of the following:

B174626 People v. Centeno
B176108 People v. Neko S.
B176509 People v. Rugamas & Flores
B178266 People v. Raymond S.
B180957 DCFS v. Connie A.
B174160 People v. Himes
B175121 People v. Walker
B176197 People v. McCrary
B176272 People v. Aragon
B176474 People v. Ramirez
B177380 People v. Simms
B179911 DCFS v. Eleanor L.
B170614 People v. Mejia

Argument waived, cause submitted.

B176295 Peacock et al. v. Glovia International, Inc.

Oral argument continued to September 29, 2005, at 9:00 a.m.

DIVISION EIGHT (Continued)

Each of the following:

B176333 Rico et al. v. Chick et al.

B177201 People v. Jackson

Matter ordered off calendar.

B173761 Zamudio

v.

County Of Los Angeles

Merits:

Argued by Louis Krass for appellant and by Martin Stein for respondent.

Cause submitted.

B173009 Zevada Enterprises, Inc.,

v.

Sasson et al.

Merits:

Argued by Norman Pine for appellant and by Daniel Alberstone for respondents. Cause submitted.

B171758 People

v.

Rivas

Merits:

Argued by Meredith Watts for appellant and by Alan D. Tate, Deputy Attorney General for respondent. Cause submitted. In open court counsel are directed to submit brief on habeas corpus petition in thirty days.

DIVISION EIGHT (Continued)

B173638 Delgado,
v.
Pouryamini

Merits:

Argued by Angela D. Robinson for appellant and by Jeffrey D. Horowitz for respondent. Cause submitted.

Boland, J. leaves the bench.

B175577 Mojica,
v.
4311 Wilshire, LLC
Schindler Haughton Elevator Corporation

Merits:

Argued by Stuart B. Esner for appellant and by Gregg W. Brugger and Bruce Janger for respondents. Cause submitted.

B176153 Hagstrom et al.,
v.
The Regents Of The University Of California

Merits:

Argued by Donna Bader for appellants and by Martin Stein for respondent. Cause submitted.

B176313 McDaniel,
v.
Starre et al.

Merits:

Argued by Jeffrey Lee Licht for appellant and by Howard Goodman for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B167651 California Federal Bank,
 v.
 B & H Custom Window & Door, Inc.

Merits:
Argued by Jules S. Zeman for appellant and by Gerald M. Serlin for
respondent. Cause submitted.

Court recessed at 12:11 p.m.

Court reconvened at 1:03 p.m.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Connie Hon, Deputy Clerk.

B176171 People
 v.
 Callahan

Merits:
Argued by George O. Benton for appellant and by Chung L. Mar, Deputy
Attorney General for respondent. Cause submitted.

Presiding Justice Cooper leaves the bench.

B173477 Mahagama Comptronics, Inc.,
 v.
 Perera et al.

Merits:
Argued by Jeffrey Benice for appellant and by Jeffrey W. Erdman and Sally
A. Williams for respondents. Cause submitted.

DIVISION EIGHT (Continued)

B174126 Darling Construction & Realty Corporation,
 v.
 Evanston Insurance Company,

Merits:

Argued by Leonard S. Sands for appellant and by Michael Melendez for respondent. Cause submitted.

B172881 Eaton Hydraulics, Inc.,
 v.
 Continental Casualty Company et al.

Merits:

Argued by David Rodman Cooper for appellant and by Jeffrey Woodruff for respondents. Cause submitted.

Presiding Justice Cooper returns to the bench.

B175382 Silvestro et al.,
 v.
 Bondex International et al.

Merits:

Argued by Paul C. Cook for appellants by Wendy S. Albers for respondent (Kaiser Gypsum Co.) and by Margaret I. Johnson for respondent (Certainteed Corporation). Jason Cruz appearance only for respondent (Bondex International) and Bruce Wagman appearance only for respondent (Owen-Illinois Inc.). Cause submitted.

Court adjourned.

July 29, 2005 (Continued)

DIVISION EIGHT (Continued)

B174142 People (Not for Publication)
v.
Moreno

The matter is remanded for the trial court the abstract of judgment as stated above. In all other respects, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B172908 DVPC, Inc. (Not for Publication)
v.
DVT 3000, Inc.,
Aldo Mimoun

The judgment is affirmed. Respondent DVPC shall recover its costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

B171917 People (Not for Publication)
v.
Arias

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Boland, J.

July 29, 2005 (Continued)

DIVISION EIGHT (Continued)

[illegible]

The judgment is affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B182967 Nancy Gillis et al.,
v.
Research Planning et al.,

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed May 5, 2005) dismissed.

B175180 Robert Tourtelot
v.
Gordon Group Holdings et al.,

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)